

68-12-05
PART B - FEE(S) TRANSMITTALComplete and send this form, together with applicable fee(s), to: **Mail**
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

AUG 10 2005

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

022913 7590 05/13/2005

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111
08/15/2005 WABDELR3 00000140 09825817

01 FC:1501 1400.00 OP
 02 FC:1504 300.00 OP

APPLN. FEE	APPLN. NO.	FILING DATE	45.00 OP	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
------------	------------	-------------	----------	----------------------	---------------------	------------------

09/825,817 04/04/2001

Shinichi Mori

3815/120

2927

TITLE OF INVENTION: APPARATUS AND METHOD FOR ACQUISITION OF COMMUNICATION QUALITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/15/2005
EXAMINER		ART UNIT	CLASS-SUBCLASS		
NGUYEN, DUC M		2685	455-226200		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Workman Nydegger

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NTT DoCoMo, Inc.

11-1, Nagatacho 2-Chome, Chiyoda, Tokyo 100-6150, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 15

 A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 23-3178 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature ADRIAN J. LEEDate August 10, 2005Typed or printed name ADRIAN J. LEERegistration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Express Mailing Label No.: EV 627625341 US

PATENT APPLICATION
Docket No: 15689.69



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
re application of)
Shinichi Mori, et al.)
Serial No.: 09/825,817) Art Unit
Confirmation No.: 2927) 2685
Filed: April 4, 2001)
For: APPARATUS AND METHOD FOR)
ACQUISITION OF COMMUNICATION)
QUALITY)
Examiner: Duc M. Nguyen)
Customer No.: 022913)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail (EV627625341US), postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of August 2005.

- Transmittal of Issue Fee (3 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee and Publication Fee
- PTO 2038 Credit Card form for \$1,745.00
- Postcard

Respectfully submitted,

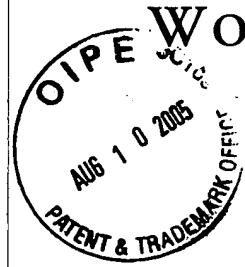
ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785
Customer No. 022913

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRIGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. NEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ROBERT E. AYCOCK
JENS C. JENKINS
MICHAEL B. DODD
KEVIN W. STINGER
WILLIAM J. ATHAY
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
RYAN N. FARR *
JAMES B. BELSHE
KIRK R. HARRIS
KEELY SCHNEITER
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNS, PH.D.

VERNON R. RICE §
OF COUNSEL



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

Express Mailing Label No.: EV 627625341 US

PATENT APPLICATION
Docket No: 15689.69

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

Shinichi Mori, et al.)

Serial No.: 09/825,817)

Art Unit
2685

Confirmation No.: 2927)

Filed: April 4, 2001)

For: APPARATUS AND METHOD FOR
ACQUISITION OF COMMUNICATION
QUALITY)

Examiner: Duc M. Nguyen)

Customer No.: 022913)

TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated May 13, 2005, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

- Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.
- A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.
- A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.
- Pursuant to the request for submission of formal drawings, enclosed are the following:
 - A Letter to the Official Draftsperson;
 - A set of _____ () sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.
 - A duplicate set of the _____ () sheets of formal drawings with the changes therein highlighted in red.
- PTO 2038 Credit Card form for \$1,745.00 is enclosed to cover:
 - The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.
 - The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d)
 - The \$45.00 fee for fifteen (15) copies of the patent when issued.
- The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "As to claims 1,7, the cited prior art of record fail to disclose or make it obvious the claimed invention for the reasons as stated in Applicant's response filed on 2/28/2005, pages 6-7."

August 10, 2005

Page 3

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 10th day of August 2005.

Respectfully submitted,



ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785
Customer No. 022913

AJL:ds
DS0000003853V001